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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/750,511

12/31/2003

James Marin

JM-1-js

1965

7590

12/30/2005

Michael I. Kroll  
171 Stillwell Lane  
Syosset, NY 11791

EXAMINER

KAYES, SEAN PHILLIP

ART UNIT

PAPER NUMBER

2841

DATE MAILED: 12/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/750,511

Applicant(s)

MARIN, JAMES

Examiner

Sean Kayes

Art Unit

2841

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 31 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 12/31/2003.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Specification***

1. The disclosure is objected to because of the following informalities: Page 31 line 7, "26 are connected the second hand gear 28" needs "to" inserted between "connected" and "the" to be "26 are connected to the second hand gear 28".

Appropriate correction is required.

### ***Claim Objections***

2. Claims 1 and 8 are objected to because of the following informalities: "of thereof" in claim 1 should be "thereof". "Second hand gear connected said second hand" in claim 8 should be "second hand gear connected to said second hand". Appropriate correction is required.

3. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claims 15, 15, and 16 have been renumbered 15, 16, and 17, respectively.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

Art Unit: 2841

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 2, 5-9, 11, and 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blair (US 246061) in view of Naikaido (US 3810354.)

6. With respect to claim 1 Blair discloses a rotating bezel comprising: a watch face having an hour hand (P2, picture I. provided below) minute hand (P2) connected at substantially a center thereof: a rotatable bezel connected to said watch face (P1); and means for rotating said rotatable bezel (P3), wherein said rotating means rotates said rotatable bezel about said watch face to increase the visual attractiveness of said watch face (functional language fails to distinguish structure over Blair.)

Blair does not disclose a second hand.

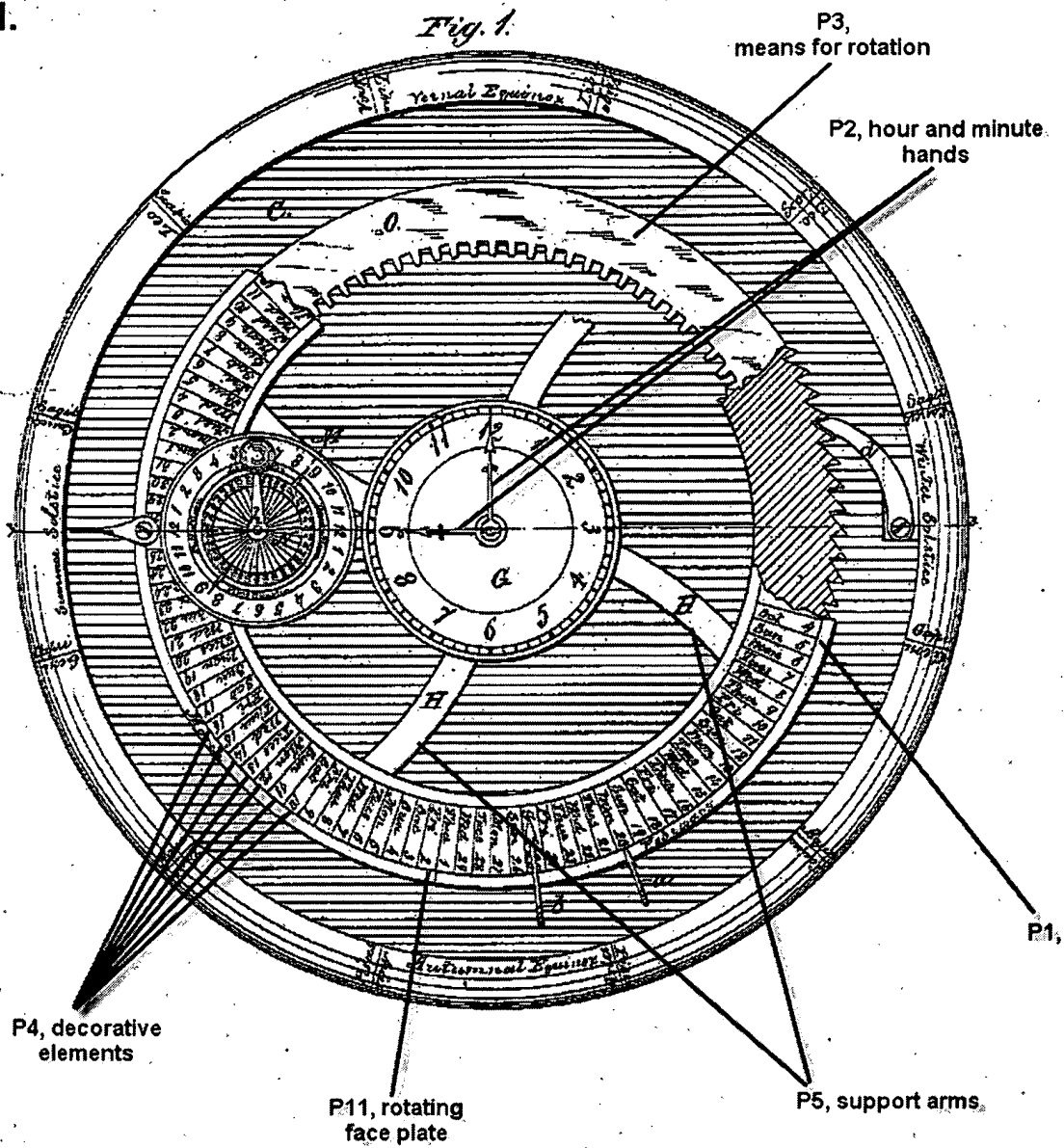
Naikaido discloses a second hand (P8 picture IV. provided below.)

At the time of the invention it would have been obvious to one skilled in the art to include Naikaido's second hand on Blair's watch.

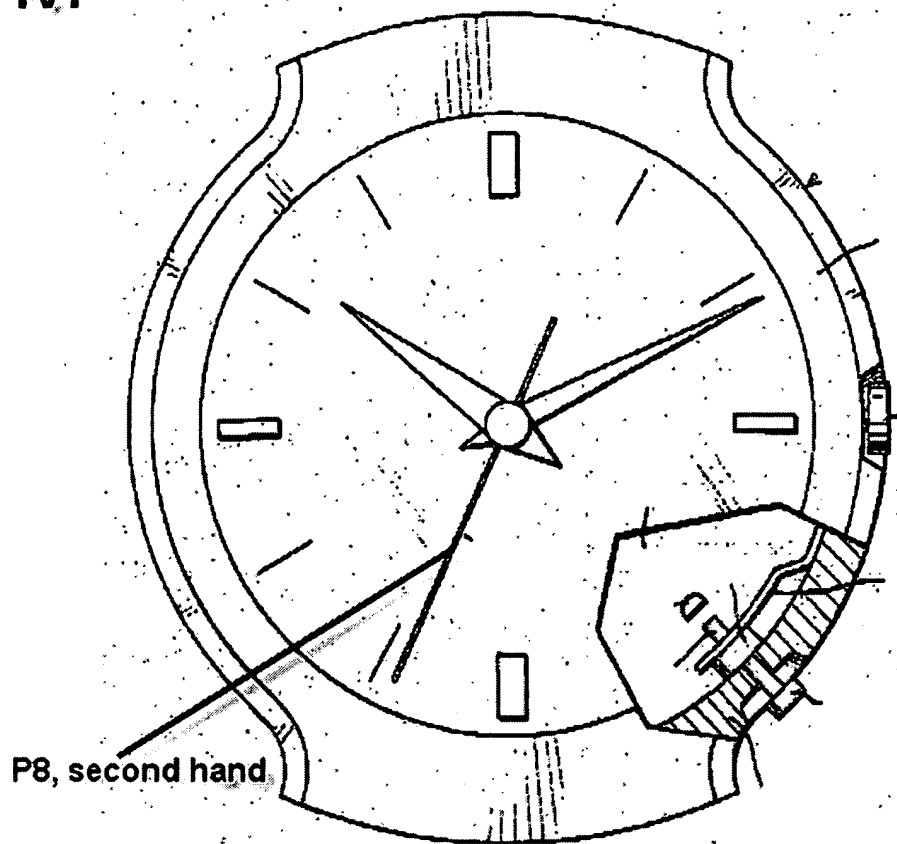
The suggestion or motivation for doing so would be to allow the watch to be used to measure periods of time less than a minute.

Art Unit: 2841

I.



#### IV.



7. With respect to claim 2 Blair in view of Naikaido discloses the rotating bezel watch as recited in claim 1, wherein said rotatable bezel includes a plurality of decorative elements (P4.)

8. With respect to claim 5 Blair in view of Naikaido discloses the rotating bezel watch as recited in claim 1. Blair does not disclose wherein said rotating means comprises a second hand gear connected to said second hand of the timepiece, wherein said rotating bezel is connected to said second hand gear by connecting means.

Art Unit: 2841

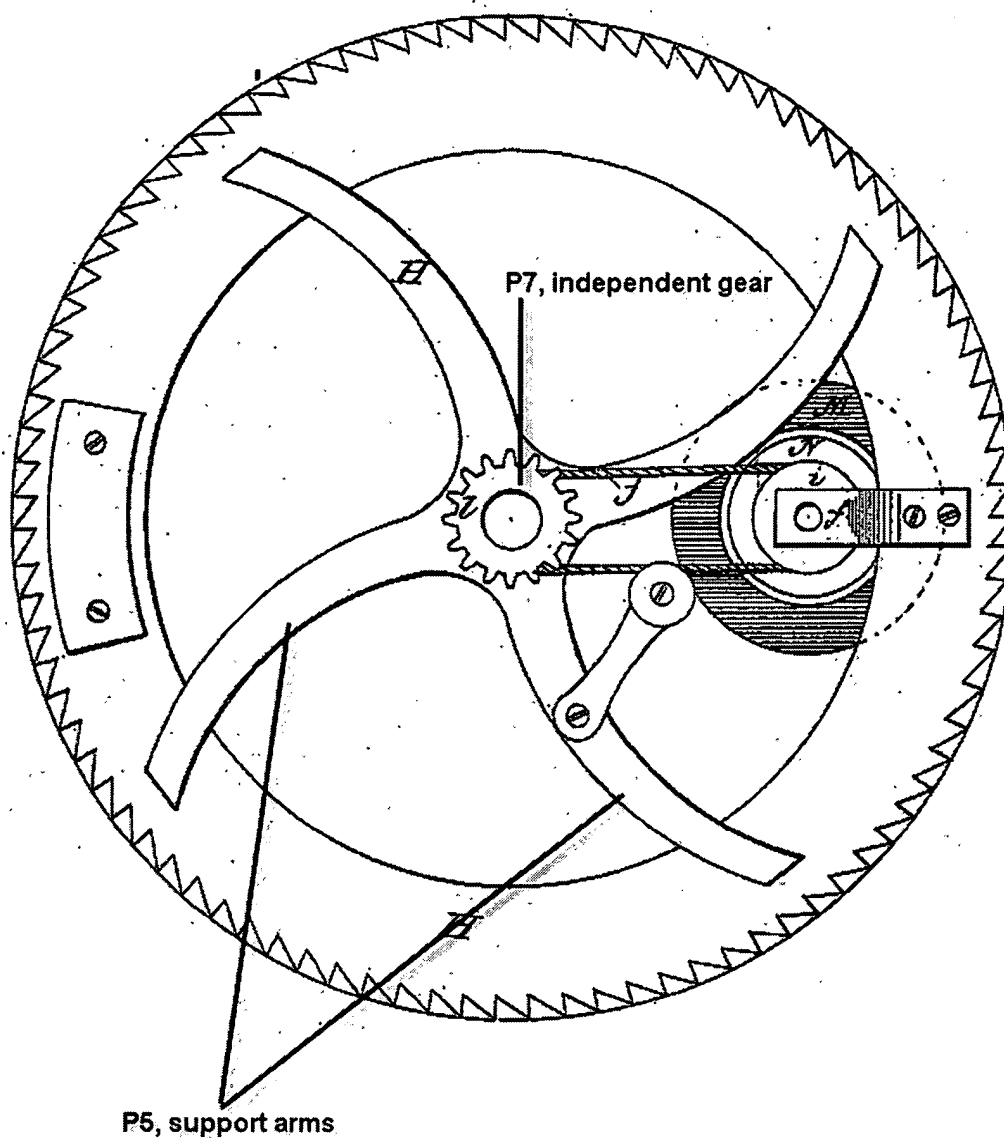
Blair discloses wherein the bezel is connected to the hour gear (column 2 line 96 through column 3 lines 6.)

Naikaido discloses wherein said rotating means comprises a second hand gear (P8) connected to said second hand of the timepiece. Naikaido discloses wherein said second hand is connected to the hour hand (which is connected to the hour hand gear.) It follows that said rotating bezel is connected to said second hand gear by connecting means.

9. With respect to claim 6 Blair in view of Naikaido discloses the rotating bezel watch as recited in claim 5, wherein said connecting means comprises support arms (P5, picture I.) connected between said rotating bezel and said second hand gear.

10. With respect to claim 7 Blair in view of Naikaido discloses the rotating bezel watch as recited in claim 5, wherein said connecting means comprises a plurality of intermeshed gears (Figure 4.)

11. With respect to claim 8 Blair in view of Naikaido discloses the rotating bezel watch as recited in claim 1, wherein said rotating means comprises a second hand gear connected said second hand and to an independent gear (P7, picture III. provided below) connected to said rotating bezel (P1, picture I.) by connecting means (P5, picture III.) (Independent gear P7 is connected to the hour gear, (figure 4 and column 2 lines 96-100 and column 3 lines 0-5.) As discussed above second gear would be ideally connected to the time function. More specifically to the hour gear.

**III.**

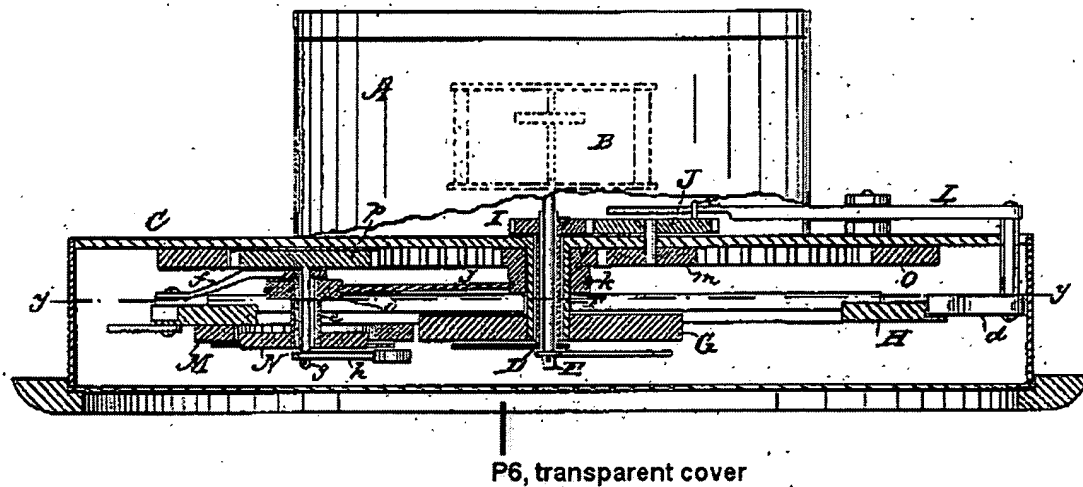
12. With respect to claim 9 Blair in view of Naikaido discloses the rotating bezel watch as recited in claim 8, wherein said connecting means comprises support arms (P5) connected between said rotating bezel and said independent gear.

13. With respect to claim 11 Blair discloses the rotating bezel watch as recited in claim 8, wherein second hand gear is connected to an independent gear with a gear ratio less than the gear ratio of said second hand gear (column 1 lines 38-42.)



14. With respect to claim 14 Blair in view of Naikaido discloses the rotating bezel watch as recited in claim 1, further comprising a transparent cover (P6, picture II. provided below) connected to said watch face for protecting said watch face.

11.



15. With respect to claim 15 Blair discloses the rotating bezel watch as recited in claim 1, wherein said rotatable bezel (P1) is selectively interchangeable. The bezel (P1) could be interchanged for another bezel by the manufacturer.

The suggestion motivation for doing so would be to include a bezel (calendar wheel) with different holidays for each religion or region printed on the days.

16. With respect to claim 16 Blair discloses the rotating bezel watch as recited in claim 1. Blair does not disclose wherein said watch face is connected to a watchband for wearing on the wrist. However, such wristbands are notoriously well known in the art of watch making.

At the time of the invention it would have been obvious to one skilled in the art to combine a watchband with Blair's watch.

Art Unit: 2841

17. With respect to claim 17 Blair in view of Naikaido discloses the rotating bezel watch as recited in claim 1, further comprising a rotating bezel face plate.

18. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Blair (US 246061) in view of Naikaido (US 3810354) in further view of Grosskopf (US 4734895.)

With respect to claim 3 Blair discloses the rotating bezel watch as recited in claim 2. Blair does not disclose wherein said decorative elements are jewels.

Jewels have been used in watches to increase the look and value of the watch for a long time. Grosskopf discloses moving gems in a watch.

At the time of the invention it would have been obvious to one skilled in the art to attach jewels as in Grosskopf to Blair's watch bezel.

The suggestion or motivation for doing so would be to increase appeal or value to the watch.

19. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Blair (US 246061) in view of Naikaido (US 3810354) in further view of Yang (US 6565253.)

Blair discloses the rotating bezel watch as recited in claim 2. Blair does not disclose wherein said decorative elements are light emitting diodes.

Yang discloses light emitting diodes on the rotating bezel (110 figure 1, and column 3 lines 17-20.)

At the time of the invention it would have been obvious to one skilled in the art to combine Yang's light emitting diodes with Blair's Watch.

Art Unit: 2841

The suggestion or motivation for doing so would be to illuminate the rotating bezel and/or the surrounding area.

20. Claims 1 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yang (US 6565253) in view of Naikaido (US 3810354.)

21. With respect to claim 1 Yang discloses a rotating bezel watch comprising a watch face (P14) having an hour hand (P12, picture V. provided below) and minute hand (P13) connected substantially at a center of thereof: a rotatable bezel (P15) connected to said watch face (P14); and means for rotating said rotatable bezel (said bezel is rotated by the means of the user), wherein said rotating means rotates said rotatable bezel about said watch face to increase the visual attractiveness of said watch face (functional language fails to distinguish structure over Yang.)

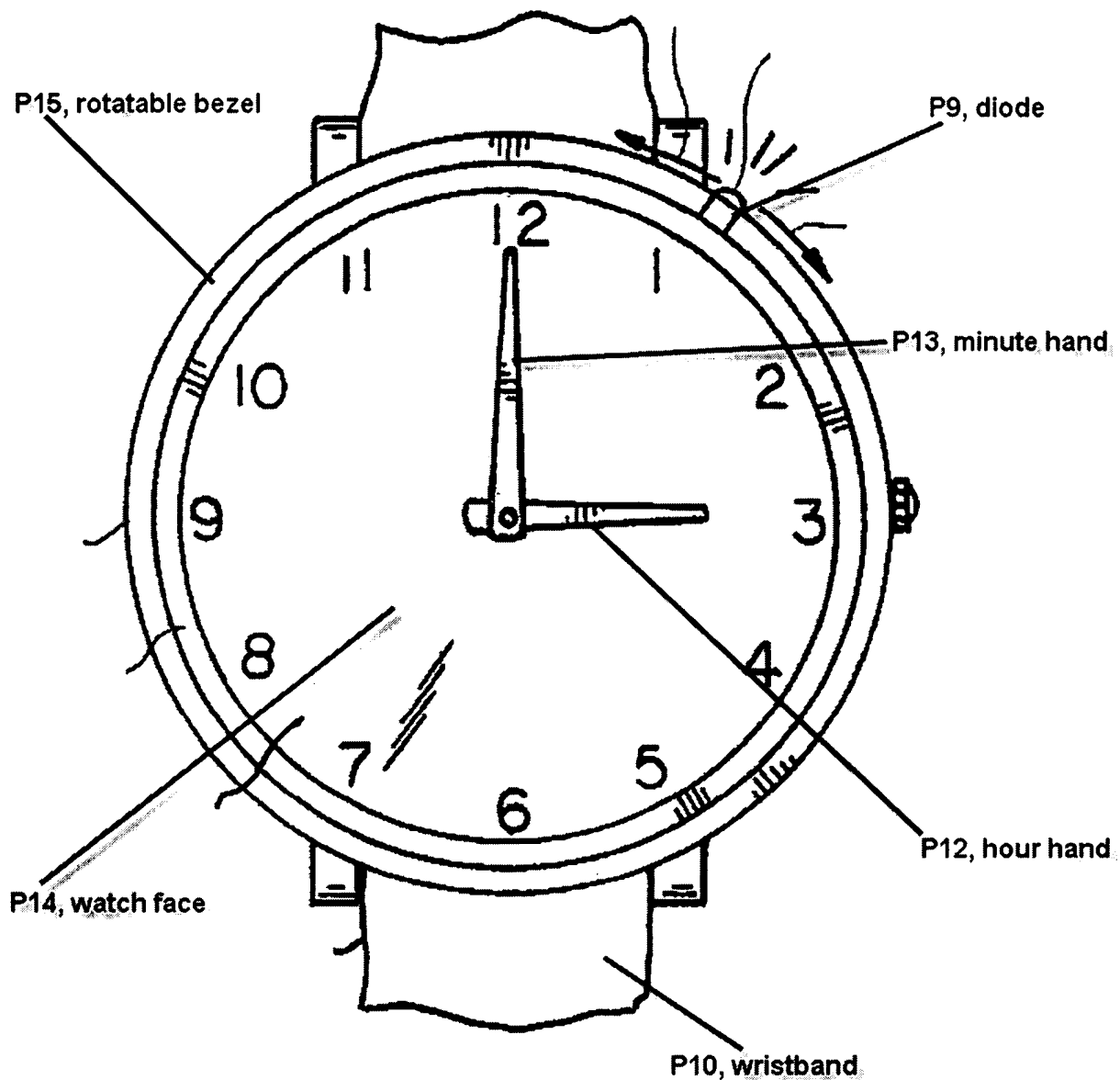
Yang does not disclose a second hand.

Naikaido discloses a second hand (P8 picture IV.)

At the time of the invention it would have been obvious to one skilled in the art to include Naikaido's second hand on Yang's watch.

The suggestion or motivation for doing so would be to allow the watch to be used to measure periods of time less than a minute.

Art Unit: 2841

**V.**

22. With respect to claim 16 Yang in View of Naikaido discloses the rotating bezel watch as recited in claim 1, wherein said watch face is connected to a watch band (P10) for wearing on the wrist.

Art Unit: 2841

23. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yang (US 6565253) in view of Naikaido (US 3810354) in further view of Yang (US 6565253.)

24. With respect to claim 13 Yang in view of Naikaido discloses the rotating bezel watch as recited in claim 1. Yang does not disclose wherein his invention has a disconnect button for selectively releasing said rotatable bezel from said rotating means. However, Yang does disclose wherein his invention has a disconnect for the light (column 3 lines 3-5.)

Blair discloses a mechanically driven rotating bezel.

At the time of the invention it would have been obvious to one skilled in the art to combine Blair's mechanically driven bezel with Yang's rotating bezel so that the lights attached thereto could be used to illuminate the entire rotational area around the watch.

The suggestion or motivation for doing so would be to enable the lights on the rotating bezel to illuminate more of the area around the watch.

It would also be obvious at the time of the invention to one skilled in the art to add the additional function of disengaging the rotating bezel from the rotation means (wherein rotational means are now mechanically driven) to the disengagement button.

The suggestion or motivation for doing so would be to prevent the bezel from rotating when its primary function (the light) was disengaged. This would save energy and extend battery life.

25. Claims 10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blair (US 246061) in view of Naikaido (US 3810354) further in view of Frank (US 4435795.)

Art Unit: 2841

26. With respect to claim 10 Blair in view of Naikaido discloses the rotating bezel watch as recited in claim 8, wherein second hand gear is connected to an independent gear with a gear ratio less than the gear ratio of said second hand gear. Blair does not disclose wherein the gear ratio of the independent gear is greater than the gear ratio of said second hand.

Frank discloses a rotating bezel that rotates at a different rate than in Blair's, due to a different gear ratio.

At the time of the invention it would have been obvious to adjust the gear ratio to achieve a desired rotation of the bezel for instance one that was lower than that for the second gear. The result being that the bezel would rotate faster than second hand.

The suggestion or motivation for doing so would be to allow different time periods to be present on the bezel.

27. With respect to claim 12 Blair discloses the rotating bezel watch as recited in claim 8, wherein second hand gear is connected to said independent gear with a gear ratio less than the gear ratio of said second hand gear. Blair does not disclose wherein the gear ratio of the independent gear is equal to that of the second hand gear.

Frank discloses a rotating bezel that rotates at a different rate than in Blair's, due to a different gear ratio.

At the time of the invention it would have been obvious to adjust the gear ratio to achieve a desired rotation of the bezel for instance one that was equal than that for the second gear. The result being that the bezel would rotate at the same speed as the second hand.

Art Unit: 2841

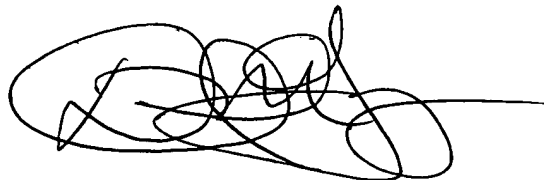
The suggestion or motivation for doing so would be to allow different time periods to be present on the bezel.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sean Kayes whose telephone number is (571) 272-8931. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Gray can be reached on (571)272-2119. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SK  
12/23/05

A handwritten signature in black ink, appearing to be 'David Gray', with a long horizontal line extending to the right.

David Gray  
Primary Examiner